

1 GIBSON, DUNN & CRUTCHER LLP
2 Orin Snyder (*pro hac vice*)
osnyder@gibsondunn.com
200 Park Avenue
3 New York, NY 10166-0193
Telephone: 212.351.4000
4 Facsimile: 212.351.4035
5 Rosemarie T. Ring (SBN 220769)
rring@gibsondunn.com
6 Kristin A. Linsley (SBN 154148)
klinsley@gibsondunn.com
7 Martie Kutscher (SBN 302650)
mkutscherclark@gibsondunn.com
8 555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
9 Facsimile: 415.393.8306

10 *Attorneys for Defendant Facebook, Inc.*

11 GIBSON, DUNN & CRUTCHER LLP
12 Deborah Stein (SBN 224570)
dstein@gibsondunn.com
Heather Richardson
hrichardson@gibsondunn.com
13 333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

14 Joshua S. Lipshutz (SBN 242557)
jlipshutz@gibsondunn.com
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8500
Facsimile: 202.467.0539

15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 IN RE: FACEBOOK, INC. CONSUMER PRIVACY USER PROFILE LITIGATION,

20 This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

DECLARATION OF DEBORAH STEIN IN SUPPORT OF FACEBOOK, INC.'S STATEMENT IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIALS SHOULD BE SEALED

21
22
23
24
25
26
27
28

DECLARATION OF DEBORAH STEIN IN SUPPORT OF FACEBOOK, INC.'S STATEMENT IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIALS SHOULD BE SEALED

CASE NO 3:18-MD-02843-VC

1 I, Deborah Stein, hereby declare as follows:

2 1. I am a partner at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for
 3 Facebook, Inc. ("Facebook") in the above-captioned matter. I am a member in good standing of the
 4 State Bars of California and New York. I submit this declaration in support of Facebook's Statement
 5 in Support of Plaintiffs' Administrative Motion to Consider Whether Another Party's Materials Should
 6 Be Sealed. I make this declaration on my own knowledge, and I would testify to the matters stated
 7 herein under oath if called upon to do so.

8 2. Attached as **Exhibits 1-A and 2-A** are true and correct **unredacted** copies of the depo-
 9 sition transcripts of David Miller and Michael Fahey.

10 3. Attached as **Exhibits 1-B and 2-B** are true and correct **redacted** copies of the deposition
 11 transcripts of David Miller and Michael Fahey.

12 4. Attached as **Exhibits 105-A and 105-B** are true and correct **unredacted** and **redacted**
 13 copies, respectively, of the deposition transcripts of Simon Cross, previously filed at Dkts. 1038-8 and
 14 1038-16.

15 5. Facebook proposes redacting confidential information regarding its data systems and
 16 Facebook's proprietary video technology, data tracking, and data storage and processing practices.¹
 17 How Facebook stores, manages, tracks, preserves, deletes, and processes data and video content for
 18 billions of users across its data systems are key components of its business that set it apart and ahead
 19 of its competitors. I understand that, if publicly disclosed, Facebook's competitors could take ad-
 20 vantage of this information to improve their own methods for managing high volumes of user data or
 21 video, or for tracking and storing user data or video metrics across data systems, to Facebook's com-
 22 petitive disadvantage. Hackers and other bad actors also could use this information to better understand
 23

24
 25
 26
 27 ¹ Miller Dep. Tr. at 115:1-116:9, 116:19-117:7, 117:9-22; Fahey Dep. Tr. at 28:25-30:1, 82:9-13, 16-
 28 21; Ex. 105 (See Dkt. 1046-2, listing specific redactions for Cross transcript).

1 Facebook's data and video systems and target specific repositories of data, potentially harming both
 2 Facebook and its users.

3 6. Facebook proposes redacting confidential and competitively sensitive information re-
 4 garding its business programs, strategies, decisions, and partners.² This information also includes con-
 5 fidential strategic discussions regarding Facebook's existing and potential future business models and
 6 strategies, as well as confidential information regarding the identities of and negotiations with entities
 7 with which I understand Facebook has a business relationship. I am informed and believe that, if
 8 publicly disclosed, this information could harm Facebook's relationships with these entities and under-
 9 cut Facebook's ability to negotiate with competitors of these entities. I am further informed and believe
 10 that public disclosure of confidential information regarding Facebook's business models could allow
 11 Facebook's competitors to use this information developed at Facebook's expense to improve or de-
 12 velop their own competing techniques, to Facebook's competitive disadvantage. Additionally, I am
 13 informed and believe that public disclosure of confidential information regarding Facebook's business
 14 strategies could allow Facebook's competitors to copy these strategies, developed at Facebook's ex-
 15 pense, to more effectively compete with Facebook.

16 7. Facebook proposes to seal confidential information regarding Facebook's privacy and
 17 platform policy enforcement practices, including Facebook's decision-making process for evaluating
 18 apps and developers that may be violating its policies.³ I understand that public disclosure of details
 19 regarding Facebook's policy-enforcement efforts would reveal confidential information regarding Fa-
 20 cebook's internal operations that could be used by bad actors to attempt to circumvent and evade Fa-
 21 cebook's enforcement strategies, potentially harming Facebook and its users.

22
 23
 24
 25
 26
 27 ² Ex. 105 (*See* Dkt. 1046-2, listing specific redactions for Cross transcript).

28 ³ Ex. 105 (*See* Dkt. 1046-2, listing specific redactions for Cross transcript).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 4, 2022 in Los Angeles, California.

/s/ Deborah Stein
Deborah Stein